

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Craig Nathan Smith and)
Karla Cristina Smith) **Case No. 21-21103-CMB**
)
) **Chapter 13**
Debtor(s).)
_____ X

ORDER OF COURT
(Check Boxes That Apply)

- ☒ **Confirming Plan on Final Basis** ☒ **Chapter 13 Plan dated:**
May 25th, 2021
- ☐ **Authorizing Distributions Under Plan** ☐ **Amended Chapter 13 dated:**
On Interim Basis Solely as Adequate Protection _____

IT IS HEREBY ORDERED that pursuant to the plan identified above (the "Plan"), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee's next available distribution date after the first day of the month following the date on which this Order is entered on the Court's docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$_____, beginning _____. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee's TFS online payment program.
- ☐ B. The length of the Plan is changed to a total of at least ____ months. This

statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.

- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
*Midfirst Bank CL#14
- ☒ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:
*Toyota Motor Credit Corp CL#6

- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
-
- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
-
- ☒ K. Additional Terms and Conditions:
*Attorney fees are based off a retainer of \$1,500
*LAT is increased to \$39,514.97

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

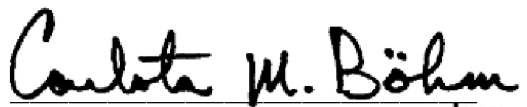
F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed ***secured claim*** (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: January 20, 2022

cc: All Parties in Interest to be served by Clerk


dmr

Carlota M. Böhm

Chief United States Bankruptcy Court Judge

FILED
1/20/22 10:36 am
CLERK
U.S. BANKRUPTCY
COURT - WDP

In re:
Craig Nathan Smith
Karla Cristina Smith
Debtors

Case No. 21-21103-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jan 20, 2022

User: auto
Form ID: pdf900

Page 1 of 4
Total Noticed: 57

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 22, 2022:

Recip ID	Recipient Name and Address
db/jdb	+ Craig Nathan Smith, Karla Cristina Smith, 155 Dwellington Drive, Valencia, PA 16059-2523
15371688	+ AES/Brazus, P.O. Box 61047, Harrisburg, PA 17106-1047
15371689	+ AES/Suntrust, P.O. Box 61047, Harrisburg, PA 17106-1047
15371693	+ Bank of America, 4909 Savarese Circle, Tampa, FL 33634-2413
15371694	+ Caliber Home Loans, 715 South Metropolitan Avenue, Oklahoma City, OK 73108-2054
15371702	+ Collection Service Center, P.O. Box 560, New Kensington, PA 15068-0560
15371709	+ J.P. Morgan Chase Bank Card, P.O. Box 15369, Wilmington, DE 19850-5369
15371710	+ J.P. Morgan Chase Bank Home, 700 Kansas Lane, Monroe, LA 71203-4774
15371711	+ Mariner Finance, 8211 Town Center Drive, Nottingham, MD 21236-5904
15385437	+ NORDSTROM, INC., Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud MN 56302-7999
15371714	+ National Energy Improvement Fund, LLC, P.O. Box 9000, Fort Washington, PA 19034-9000
15371718	+ Pennymac Loan Services, P.O. Box 514387, Los Angeles, CA 90051-4387
15371721	+ SST/Synovus, 4315 Pickett, Saint Joseph, MO 64503-1600
15381765	+ Toyota Credit de Puerto Rico, PO Box 9013, Addison, Texas 75001-9013
15387745	UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123

TOTAL: 15

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: rmscedi@recoverycorp.com	Jan 20 2022 23:34:30	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15371687	Email/Text: Bankruptcy@absoluteresolutions.com	Jan 20 2022 23:22:00	Absolute Resolutions, 8000 Norman Center Drive, Bloomington, MN 55437
15377582	Email/Text: Bankruptcy@absoluteresolutions.com	Jan 20 2022 23:22:00	Absolute Resolutions Investments, LLC, c/o Absolute Resolutions Corporation, 8000 Norman Center Drive, Suite 350, Bloomington, MN 55437
15371692	+ Email/Text: g20956@att.com	Jan 20 2022 23:23:00	AT&T, 208 South Akard Street, Dallas, TX 75202-4206
15371690	+ Email/PDF: bncnotices@becket-lee.com	Jan 20 2022 23:34:29	American Express, P.O. Box 981537, El Paso, TX 79998-1537
15378195	Email/PDF: bncnotices@becket-lee.com	Jan 20 2022 23:34:53	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15392259	+ Email/PDF: rmscedi@recoverycorp.com	Jan 20 2022 23:34:30	Bureaus Investment Group Portfolio No 15 LLC, c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
15371696	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Jan 20 2022 23:34:55	Capital One, P.O. Box 30253, Salt Lake City, UT 84130-0253
15371695	+ Email/PDF: AIS.cocard.ebn@aisinfo.com		

District/off: 0315-2

User: auto

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		Jan 20 2022 23:35:21	Capital One, P.O. Box 31293, Salt Lake City, UT 84131-0293
15371697	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Jan 20 2022 23:35:21	Capital One Bank, P.O. Box 71083, Charlotte, NC 28272-1083
15371698	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Jan 20 2022 23:34:29	Capital One Bank USA, P.O. Box 31293, Salt Lake City, UT 84131-0293
15371699	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Jan 20 2022 23:34:55	Capital One Bank/Cabelas, P.O. Box 31293, Salt Lake City, UT 84131-0293
15371701	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Jan 20 2022 23:34:42	Citibank, N.A., P.O. Box 6217, Sioux Falls, SD 57117-6217
15371700	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Jan 20 2022 23:35:25	Citibank, N.A., P.O. Box 6497, Sioux Falls, SD 57117-6497
15371703	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Jan 20 2022 23:22:00	Comenity Bank, P.O. Box 182125, Columbus, OH 43218-2125
15371704	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Jan 20 2022 23:22:00	Comenity Bank/J. Crew, P.O. Box 182789, Columbus, OH 43218-2789
15371705	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Jan 20 2022 23:22:00	Comenity Bank/Victoria's Secret, P.O. Box 182789, Columbus, OH 43218-2789
15371706	+ Email/Text: Bankruptcy.Consumer@dish.com	Jan 20 2022 23:23:00	Dish Network, 90 Inverness Cir E, Englewood, CO 80112-5317
15371707	+ Email/Text: bknotice@ercbpo.com	Jan 20 2022 23:23:00	Enhanced Recovery Company, P.O. Box 57547, Jacksonville, FL 32241-7547
15371708	+ Email/PDF: ais.fpc.ebn@aisinfo.com	Jan 20 2022 23:35:21	First Premier Bank, 3820 North Louise Avenue, Sioux Falls, SD 57107-0145
15385095	+ Email/Text: RASEBN@raslg.com	Jan 20 2022 23:22:00	JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
15390522	Email/PDF: resurgentbknotifications@resurgent.com	Jan 20 2022 23:35:02	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15385899	+ Email/PDF: ais.midfirst.ebn@aisinfo.com	Jan 20 2022 23:35:21	MidFirst Bank, 999 NorthWest Grand Boulevard, Oklahoma City, OK 73118-6051
15371712	+ Email/Text: bankruptcydpt@mcmcg.com	Jan 20 2022 23:23:00	Midland Credit Management, 320 East Big Beaver, Troy, MI 48083-1238
15385763	+ Email/Text: bankruptcydpt@mcmcg.com	Jan 20 2022 23:23:00	Midland Credit Management, Inc., PO Box 2037, Warren, MI 48090-2037
15371713	+ Email/PDF: ais.midfirst.ebn@aisinfo.com	Jan 20 2022 23:34:29	Midland Mortgage/Midfirst, P.O. Box 268959, Oklahoma City, OK 73126-8959
15371715	+ Email/Text: bnc@nordstrom.com	Jan 20 2022 23:22:15	Nordstrom/TD Bank USA, 13531 East Caley Avenue, Englewood, CO 80111-6504
15372877	+ Email/PDF: cbp@onemainfinancial.com	Jan 20 2022 23:35:21	OneMain Financial, PO Box 3251, Evansville, IN 47731-3251
15371716	+ Email/PDF: cbp@onemainfinancial.com	Jan 20 2022 23:35:20	Onemain, P.O. Box 1010, Evansville, IN 47706-1010
15371717	+ Email/PDF: cbp@onemainfinancial.com	Jan 20 2022 23:34:54	Onemain Financial, P.O. Box 1010, Evansville, IN 47706-1010
15390506	Email/Text: Bankruptcy.Notices@pnc.com	Jan 20 2022 23:22:00	PNC Bank NA, Bankruptcy Department, PO BOX 94982, Cleveland, OH 44101
15371719	Email/Text: Bankruptcy.Notices@pnc.com	Jan 20 2022 23:22:00	PNC Bank, N.A., P.O. Box 3180, Pittsburgh, PA 15230
15371720	Email/Text: signed.order@pfwattorneys.com	Jan 20 2022 23:22:00	Pressler, Felt & Warshaw, L.L.P., c/o Ian Z.

District/off: 0315-2

User: auto

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			Winograd, Esquire, 7 Entin Road, Parsippany, NJ 07054
15371718	+ Email/PDF: ebnotices@pnmac.com	Jan 20 2022 23:35:10	Pennymac Loan Services, P.O. Box 514387, Los Angeles, CA 90051-4387
15385307	+ Email/Text: JCAP_BNC_Notices@jcap.com	Jan 20 2022 23:23:00	Premier Bankcard, LLC, Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud MN 56302-7999
15378379	Email/Text: bnc-quantum@quantum3group.com	Jan 20 2022 23:22:00	Quantum3 Group LLC as agent for, Aqua Finance, PO Box 788, Kirkland, WA 98083-0788
15372152	+ Email/PDF: gecsedl@recoverycorp.com	Jan 20 2022 23:34:29	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15371722	+ Email/PDF: gecsedl@recoverycorp.com	Jan 20 2022 23:35:20	Synchrony Bank/BSTB, P.O. Box 965036, Orlando, FL 32896-5036
15371723	+ Email/PDF: gecsedl@recoverycorp.com	Jan 20 2022 23:34:55	Synchrony Bank/Gap, P.O. Box 965005, Orlando, FL 32896-5005
15371724	+ Email/PDF: gecsedl@recoverycorp.com	Jan 20 2022 23:34:55	Synchrony Bank/Husqvarna, P.O. Box 965036, Orlando, FL 32896-5036
15371725	+ Email/PDF: tbiedi@PRAGroup.com	Jan 20 2022 23:34:29	The Bureaus Inc, 650 Dundee Road, Northbrook, IL 60062-2747
15381765	+ Email/Text: ToyotaBKNotices@nationalbankruptcy.com	Jan 20 2022 23:22:00	Toyota Credit de Puerto Rico, PO Box 9013, Addison, Texas 75001-9013
15371726	+ Email/Text: TFS_Agency_Bankruptcy@toyota.com	Jan 20 2022 23:22:00	Toyota Motor Credit, P.O. Box 9786, Cedar Rapids, IA 52409-0004
15371727	+ Email/Text: TFS_Agency_Bankruptcy@toyota.com	Jan 20 2022 23:22:00	Toyota Motor Credit, Two Walnut Groove Drive, Horsham, PA 19044-2219

TOTAL: 44

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		MIDFIRST BANK
15381351	*	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15383153	*+	Mariner Finance, LLC, 8211 Town Center Drive, Nottingham, MD 21236-5904
15371691	##+	Aqua Finance Inc., 2600 Pine Ridge Boulevard, Wausau, WI 54401-7800

TOTAL: 1 Undeliverable, 2 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 22, 2022

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: auto

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Date Rcvd: Jan 20, 2022

Form ID: pdf900

Total Noticed: 57

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 20, 2022 at the address(es) listed below:

Name	Email Address
Daniel P. Foster	on behalf of Joint Debtor Karla Cristina Smith dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
Daniel P. Foster	on behalf of Debtor Craig Nathan Smith dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
Maria Miksich	on behalf of Creditor MIDFIRST BANK mmiksich@kmlawgroup.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com

TOTAL: 5